THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.644 of 1998

Date: 11.04.2007

Between:

K. Hari Prakash Rao

... Petitioner

AND

The Director of Collegiate Education,
Government of Andhra Pradesh,
Hyderabad and others.

... Respondents

Counsel for the petitioner : Sri A. Bhaskarachari

Counsel for respondent No.1: Government Pleader for Education

Counsel for respondent No.3: Sri K. Chekravarthy for Sri O. Manohar Reddy

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WRIT PETITION No.644 of 1998

ORDER:-

This writ petition is filed for a writ of Mandamus to declare the proceedings dated 22.12.1997 issued by the 1st respondent whereby certain posts including the post of lecturer in Hindi were sought to be filled up.

The petitioner was working as a part-time lecturer in Hindi since 23.07.1994 and later he was appointed temporarily in an aided vacancy in accordance with the proceedings dated 18.08.1988. The notification impugned in this writ petition was issued in January 1997 calling for applications to fill up various posts of lecturer including the post of Hindi in the 2nd respondent college. Though the petitioner applied for the said post in response to the said notification, he was not called for interview and his case was not considered. This action is questioned in the present writ petition.

The Secretary and Correspondent of SDGS College, Hindupur, filed a counter-affidavit in which it was stated *inter alia* that the petitioner does not possess the minimum qualification of holding a masters degree with 55% or more marks. In para 3 of the counter-affidavit, it is stated that the petitioner passed M.A. Degree Examination Part-II final in September 1989 and Part-I previous in August 1997 and that by the time the selection process

was commenced, he was not having the necessary qualification of holding postgraduate degree with 55% marks. Therefore, the petitioner's case was not considered and that the 3rd respondent was selected and it was approved by respondent No.1 on 22.12.1997.

No reply affidavit has been filed denying this averment.

Sri A. Bhaskara Chary, learned counsel for the petitioner during the course of hearing is unable to contradict the averments contained in the counter-affidavit, which are referred to above.

Since the petitioner did not possess the requisite qualification for being considered for the post of lecturer in Hindi, the action of respondent No.2 in appointing respondent No.3 cannot be said to be illegal nor any of the petitioner's right can be said to have been violated.

For the aforementioned reasons, the writ petition deserves to be dismissed and accordingly dismissed. No costs.

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C.V.NAGARJUNA REDDY, J

Date: 11.04.2007
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